

Remarks

Claims 1, 2, and 5-11 remain herein for reconsideration.

Amended Claim 1 incorporates the allowed subject matter of Claim 4.

Claims 3 & 4 are cancelled.

Claims 2, and 5-7 depend from allowed claim 1.

Claim 8, is allowed.

Claims 9-11 are new and believed to be allowable based on the distinctions set forth below.

Argument

Claims 1-3 were rejected under 35 U.S.C. 102(b) as anticipated by Faison (US 6 243 867). Reconsideration is requested in view of the amended and patentably distinguishable claims 9-11 as set forth therein.

Firstly, Faison's device is an absorbent sweat wiping sleeve that is fastened around the forearm, elbow and upper arm. (Emphasis added). See Fig. 3 of Faison. The dimension of the outer covers "...equals approximately the length from the top of the biceps to an inch short of the wrist." (Col.2, lines 24-25) It is clear that Faison teaches a device that does not cover the top portion of the forearm, but the sides of the forearm and biceps. Otherwise a wearer could not bend his elbow and straighten the arm to wipe the sweat off his brow. (Col. 1, line 46)

Secondly, the Faison device is made-up of three (3) distinct pieces of material-- the outer covers 1 and 3 and an "...absorbent liner 2 as in Fig. 1." (Col. 2, line 39)

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New Claim 9 is limited to a covering only for the forearm, which specifies "...a single piece of strapless flexible material".

Thirdly, Faison teaches that "Bands or straps 4A-C are used to hold the body of absorbent wiping band in place." (Emphasis) (Col. 2, lines 58-59). Although strap 4-C can be a continuous loop, it is not, as the examiner states, contiguous to the elbow. "Contiguous" has been defined as adjacent or touching. In any event the concept of the Faison invention is to fasten the 3-piece sweat band in place. There is no teaching of a single piece of strapless flexible material that covers the top of the forearm as in applicant's claims 9-11.

In a like manner, the Examiner has rejected Claims 1 and 2 under 35 U.S.C. 102 (b) as anticipated by Pryor (US 5 056 157) Reconsideration is respectfully requested. The Arguments above as to Faison apply here also. Again, Applicant's invention of Claims 9-11, eliminate any form of intermediate strap members as 22a and 22b and the unnumbered strap. Pryor specifically teaches: "The strap means preferably comprises a plurality of spaced apart straps which are located along the length of the fabric covering. (Emphasis) (Col. 2, lines 49-51). Applicant's covering area material is strapless!

The rejections of claims 7, 5 and 6 under 35 U.S.C. 103 (a) are considered to be moot in view that they now depend from an allowed claim. Allowance is requested.

Respectfully Submitted,

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